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Act of the Governor general of India in Council 1849

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ACT No. I. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made, from time to time, for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All

II. All subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

III. The committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority the East India Company, in which Territory a Court, competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody, out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond

bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody, out of the British Territories, as aforesaid.

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor in Council or other person or persons having Supreme executive authority in the Presidency or Place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. II. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

To abolish the practice of branding and exposing Convicts.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the Territories under the Government of the East India Company, It is enacted as follows:

I. Section XI. Regulation IV. 1797, Section XXXV. Regulation VII. 1803, and Clauses Second, Third and Fourth, Section XII. Regulation XVII. 1817, of the Bengal Code, Section XXXV. Regulation VII. 1802, of the Madras Code, and so much of Clause First, Section III. Regulation II. of 1807, and of Sections IX. and X. Regulation XVII. of 1817, of the Bengal Code, so much of Section III. Regulation VI. of 1811, and Sections V. VI. Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations, in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II. Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After

II. After the passing of this Act it shall not be lawful for any Court or Magistrate, within the Territories under the Government of the East India Company, to order that any brand or indelible mark, of any kind, be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

BENGAL SECRETARIAT LIBRARY

ACT No. III. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10*th February*, 1849.

An Act to comfirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

WHEREAS by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a Company or Co-partnership by the name of "The Union Bank of Calcutta," and those who should thereafter become Members and Proprietors of the said Union Bank, were enabled to sue, and to be sued, at law and in equity, in the name of the person who should be the Secretary or the Treasurer of the said Bank, for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said Co-partnership:

And whereas a Memorial has been presented to the Governor General of India in Council, signed by Thomas Charles Morton, Esquire,—Henry Burkinyoung, Esquire,—Jeremiah James Homfray, Esquire,—and Baboo Prosunnocoomar Tagore,—all therein described as Members of the Executive Committee of Management of the said Union Bank, and also by certain persons, therein described as Members of the Committee of Creditors of the Union Bank,—that is to say, Charles Hogg, Esquire, therein described as constituted Attorney for Glyn, Halifax, Mills and Company,

Company,—by Henry Cowie, Esquire,—and by Thomas Seddon Kelsall, Esquire,—setting forth that the said Joint Stock Banking Company, or Union Bank of Calcutta suspended payment about the close of the year 1847 and that the remaining assets of the said Bank are insufficient to satisfy the outstanding debts and liabilities: that several Creditors of the Bank have obtained judgment against the public Officer under the said Act XXIII. 1845, and the assets of the Bank being insufficient, certain of the said judgments are put in suit against individual Shareholders: and that the Memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the Creditors and the Shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin; that many of the creditors are willing to agree with the Shareholders, and to give as complete a discharge as the law will allow, to those Shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a Committee of Creditors, appointed at a public meeting of the Creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums, so assessed on them respectively; and that many of the said Shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any Creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed; that doubts have been entertained of the legal effect of such an agreement and discharge: and praying, therefore, that the effect of it may be established and defined by authority of the Governor General of India in Council, without prejudice to the rights of any Creditor of the said Bank executing the same, against any present or past Shareholder of the said Bank, who shall not have paid up, in the manner

ner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any Creditor who shall not execute the same, It is declared and enacted as follows:

I. The agreement of which a copy is annexed to this Act, being the agreement referred to in the said Memorial, shall be of full force as between those Creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked A, being the Schedule of Assessment or Contribution toward the liquidation of the debts of the said Bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment; but shall be of no force to affect the rights or liabilities or any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If any Creditor of the said Bank, who shall have executed the said agreement, shall thereafter sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment, who shall have paid in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such Creditor, and payment of the said Assessment by the person against whom such Writ or other proceeding shall be sued out, or taken, may be pleaded in bar thereof; and all costs incurred by any such defendant in resisting such Writ or proceeding shall be paid by the Creditor at whose suit the same shall have been sued forth or instituted.

III. If any Creditor of the said Bank, who shall not have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other

other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any Creditor of the said Bank, who shall have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such Writ or proceeding, nor shall the contents thereof be received in evidence, in any court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing, hereinbefore contained, shall be construed to prevent any Writ of *Scire Facias*, which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding, chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kensall, shall be filed and enrolled among the Records of Office of the Record Keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act, and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act.

COPY

ACT No. III OF 1849.

Copy of Agreement.

We, the undersigned, Creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment, by the Executive Committee of the said Union Bank, of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked A, (which has been framed by a Committee of Creditors of the Bank) as the Schedule of Assessment or Contribution towards the liquidation of the debts of the said Bank, of the several Shareholders, past and present, therein named; and we promise and agree not to sue out any Writ of *Scire Facias* against, or otherwise to molest the person or property of any Shareholder or Shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her Assessment or Contribution as aforesaid. Provided, however, that nothing herein contained, shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said Assessment in full, nor to prevent any Writ of *Scire Facias* which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment from being prosecuted, and continued afterwards, if the party instituting such proceeding chooses so to do. Provided, further, that if any Shareholder in the said Schedule named, shall not have paid or given security to the Executive Committee of the said Bank, certified by them to be sufficient, for [illegible]ment of his Assessment, within three months from this date, if he [illegible]dent in India, or within five months, if resident out of India, the sam[illegible]hall be increased ten per cent; and that a further per-centage of the like amount shall be added after every succeeding period of three months, during which the same shall remain unpaid or unsecured. Provided also, that the said Executive Committee, of the said Bank, do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof, respectively, as the sums realized from

from the said contribution shall enable them to do ; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate. Provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve, to ourselves, all our rights and remedies whatsoever, against the assets of the said Bank, legal and equitable, and against all Shareholders, present and past, not paying up the full amount of their said Assessments, respectively, as aforesaid : In witness whereof we have hereunto set our respective hands, this twenty-fifth day of September, in the year of Christ, one thousand eight hundred and forty-eight.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1849.

An Act for the Safe Custody of Criminal Lunatics.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, It is enacted as follows:

I. No person, who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which, according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the Law of the land.

II. Whenever a person charged with any offence shall be acquitted, because he is within the exception made by the foregoing Section, the

the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict, as aforesaid, shall have been given against any person, the court, before which the trial was had, shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted, for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order; and, when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if

then

then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The word 'Government' in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. V. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 3rd March, 1849.

An Act for better defining the Duties of Customs and Excise.

WHEREAS under the Regulations in force for taking a duty of twenty Spanish Dollars for each and every Leaguer of Arrack or Asiatic Rum imported into and intended for consumption within Prince of Wales' Island, Singapore and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a Leaguer, and it is expedient that such doubts be removed and that the meaning of all such or the like expressions in any Regulation or Act for the levy of Custom or Excise Duties within the territories under the Government of the East India Company be plainly declared, it is declared and enacted as follows:

I. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of Customs or Excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th March, 1849.

For securing Military and Naval Pensions and Superannuation Allowances.

WHEREAS it is expedient to consolidate and extend the operation of the law, as to the exemption of Military and Naval Pensions, and other Superannuation Allowances, from seizure under process of law, It is enacted as follows:

I. Regulation XII. 1814 of the Bengal Code, and Act XXXI. 1845, are repealed.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor or Retainer of the Army or Navy, in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor General in Council, or of the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company; and also the

the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment or sequestration by process of any Court within the said Territories, at the instance of a Creditor, for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such Pensioner, made before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras; or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay; or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 7th April, 1849.

An Act for the appointment of an Administrator General in Bengal.

WHEREAS it is expedient to disconnect the Administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there; It is enacted as follows:

I. Whenever, after the passing of this Act, any British Subject shall die intestate within the Presidency of Fort William in Bengal, or the Territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of Kin shall appear, and make out their claim to the Administration of the Effects of the deceased to the satisfaction of the said Court, and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the

the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates, granted to such Officer, of Wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executors thereof,—and all Estates, Effects and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all Books, Papers and Documents belonging to him or in his possession, or under his control by virtue of such Letters or Probates, shall, by this Act, and without other grant, be transferred to the Administrator General by this Act created; who shall be, to all intents and purposes, such Administrator, Executor, or Grantee, in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such Administrator, Executor, or Grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator General shall be entitled to receive or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an Officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of Letters *Ad Colligenda Bona*, as the case may be.

VI. Every

VI. Every Administrator General shall give Security, by bond, to the East India Company, himself for One Lakh of Rupees, with two or more Sureties, jointly and severally, for another Lakh of Rupees, for the due execution of his said Office; and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other Security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive,—for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made, after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office,—instead of the Commission heretofore received by the Ecclesiastical Registrar, a Commission calculated after the rate of Three Rupees in every Hundred Rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and, out of the said Commission of Three Rupees in the Hundred, shall defray the expenses of the necessary Establishment, and all other charges, to which the said Office may be subject.

VIII. No person, other than the Administrator General, shall be entitled to charge any Commission or Agency, as Executor of any Will, of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act: but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of Commission, or in any other manner.

IX. The Assets belonging to the Estates administered by the said Administrator General shall be kept by him in the Treasury of the East India

India Company, or otherwise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette*, and shall be full authority, protection and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter into Books, to be kept by him for that purpose separate and distinct accounts of each Estate, and of all such sums of Money, Bonds and other Securities for Money, Goods, Effects and Things, as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said Books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be, from time to time, fixed therefore, by the Governor General of India in Council and published in the *Calcutta Gazette*.

XI. The Administrator General shall twice in every year, that is, on the First day of March and on the Tenth day of August, or on the First day on which the said Court shall be sitting after those days, exhibit and deliver, in open Court, a true Schedule, shewing the gross amount of all sums of Money received or paid by him, on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-first day of December and Thirtieth day of June next before the day of delivering such Schedule; and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period,—specifying the amount of such balances,

balances, and the persons to whom paid; which Schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the *Calcutta Gazette* by the said Administrator General; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company for publication in the *London Gazette.*

XII. The Governor General of India in Council, shall, from time to time, appoint an Auditor or Auditors to examine the Accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and Accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the Books, by this Act directed to be kept by the Administrator General, are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit on Oath or Solemn Affirmation to be by him administered; and to call for all Books, Papers and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General, or other person or persons when summoned shall refuse or without reasonable cause neglect to attend, or to produce any Books, Papers or Documents required, or shall attend and refuse to be sworn or make a Solemn Affirmation when by law an Affirmation may be substituted for

an Oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof and of every such reference and examination shall be defrayed proportionably by all the Estates, the Accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates, accordingly, by the Administrator General.

XVI. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report, as last aforesaid, to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily, by petition, for an account against the said Administrator General, or against the late Administrator General, after his removal from Office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General, or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like pur-

pose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the Accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the Estates ratably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instant contributed, and the Court shall have power to order the Administrator General, or other person or persons defendants, to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a Bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British Subject shall die within the said Presidency intestate, and Letters of Administraton to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant, —to any person claiming to be entitled to a principal share of the Effects of the deceased,—Certificates under his hand, entitling the claimant to receive the sums or securities for Money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificate, unless he is satisfied of the title of the claimant, and of the

the value of the Effects of the deceased, either by the Oath or Affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the Money or Security for Money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same: but any next of Kin or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the Effects of any deceased person on account of whose Estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded Five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a Solemn Affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J C Sherriff

ACT No. VIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the Town of Madras, It is enacted as follows:

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies within the Town of Calcutta, and of assaults on board of Merchant Ships in the River Hooghly, may be exercised by any Justice of the Peace, appointed to be a Police Magistrate for the Town of Madras, for the trial and punishment of the like Larcenies and Felonies within the Town of Madras, and the like assaults on board of any Merchant Ship in the Madras Roads.

II. In

II. In execution of the powers of the said Acts by any Police Magistrate for the Town of Madras, the said Acts shall be read as if the Town of Madras, and Supreme Court of Judicature at Madras, were severally mentioned therein instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the River Hooghly or the mouths thereof.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IX. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.

WHEREAS it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, It is enacted as follows:

I. All powers whatever in Criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace, or by two Police Magistrates within the Presidency of Fort St. George and places subordinate thereto, may be exercised by one Justice of the Peace appointed to be a Police Magistrate within the said Presidency.

II. Any one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency, may issue a warrant of distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 Geo. III. Cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press by J. C. Sherriff.

ACT No. X. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th May, 1849.

An Act for appointing a Commissioner of Revenue at Madras.

WHEREAS it is expedient that the Governor of Fort St. George in Council should be empowered to depute a Member of the Board of Revenue, to perform in any of the Districts of that Presidency all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively, It is enacted as follows:

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a Member of the Board of Revenue to perform alone, in any of the Districts of that Presidency, all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special Commission shall be given to a Member of the Board of Revenue under this Act, the Member of the Board named therein

therein shall, by virtue thereof, be empowered to exercise, within the limits of his Commission, all the powers and duties which by Law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions which shall be prescribed in such Commission; and all Regulations and Acts concerning the Board of Revenue shall be deemed to apply to the said Commissioner within the limits of his Commission, and with regard to all things concerning the Revenues of the District included in it, so far as is necessary to give full effect to his Commission and to this Act.

III. Every such Commission shall be published in the *Fort St. George Gazette*, and the Commissioner shall enter on his Office from the date of such publication; and in like manner the revocation or other determination of any such Commission shall be published in the *Fort St. George Gazette.*

IV. The correspondence and other documents belonging to any such Commission shall be deposited, on the determination thereof, in the Office of the Board of Revenue, and shall be deemed Records of the said Board.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

BENGAL SECRETARIAT LIBRARY

ACT No. XI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor General of India.

For securing the Abkaree Revenue of Calcutta.

FOR better securing the Abkaree Revenue of Calcutta, It is enacted as follows:

I. Act I. 1842, Act XXVI. 1845, Section 26, Regulation II. 1802, of the Bengal Code, and so much of Clause CLIX., of an Act of Parliament, numbered Chapter LII., of the Statutes passed in the Thirty-third Year of the reign of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors, within the Town of Calcutta, and to the punishment of unlicensed Traders in Spirits or Spirituous Liquors, within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of Spirituous or Fermented Liquors and intoxicating drugs, within the Town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith under the controul of the Commissioner

Commissioner of Abkaree and the Board of Customs, Salt and Opium, and all proceedings of the Collector held under this Act, shall be subject, with or without appeal, to their revision.

III. The Collector may appoint Constables, Darogahs, Jemadars, Burkundauzes, and other Officers, for collection of the said Revenue and prevention of Smuggling; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any Spirituous or Fermented Liquors or intoxicating drugs, hereinafter specified, within the Town of Calcutta, without a license for that purpose under the hand and seal of the Collector of Calcutta, shall be liable to a fine, not exceeding five hundred Rupees, for each sale: but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wines or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or Foreign Beer, Wines or Spirits, in any quantity, not exceeding two gallons, or of Bengal Arrack or Rum or other country spirit in any quantity, not exceeding one seer, or of Tauree in any quantity, not exceeding four seers, or of Ganjah or Bhang or any preparation or admixture of the same, in any quantity, not exceeding one quarter of a seer, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in any quantity, not exceeding the weight of five tolahs, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal Arrack or Rum, or other country Spirit, or of Tauree, or of Ganjah, or Bhang, or any preparation or admixture of the same, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in quantities larger than those specified for each Article in Section V. of this Act, is prohibited; and every person, who shall act in breach of this prohibition, shall be liable to the fine prescribed

prescribed in Section XV., for the illicit possession of these Articles: but this prohibition does not apply to the sale of Spirituous or Fermented Liquors and intoxicating drugs, imported into Calcutta, under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Bengal Rum under bond for exportation by Sea, or to the sale of Opium intended for exportation by Sea, and covered by a Certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

VII. The Board of Customs, Salt and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of Spirituous or Fermented Liquors, or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorised to demand, in consideration of the privilege granted, such fee, tax or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax or duty, may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recall a license, if any such fee, tax or duty be not duly paid, according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling, by retail, any Spirituous or Fermented Liquors, or intoxicating

ting drugs above specified, within the Town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XI. Any licensed retail dealer may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. It shall not be lawful for the Justices of the Peace for the Town of Calcutta, to grant a license to open or establish or keep open any Hotel, Punch House, Boarding House, or any other House of public entertainment, within the Town of Calcutta, in which any Spirituous or Fermented Liquors or intoxicating drugs, above specified, may be sold, to any person who has not taken out a license for the retail sale of such Liquors and Drugs; and any such license, granted by any Justice of the Peace, shall become void whenever the license, for the retail of such Liquors and Drugs, granted to such person, is withheld or recalled by the Collector under this Act.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act, shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding fifty Rupees; and such fine shall be recoverable from the licensed dealer notwithstanding that such breach may have been

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owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person, not being a licensed Dealer, having in his possession, and any person carrying within the Town of Calcutta, any greater quantity of Spirituous or Fermented Liquors, or intoxicating drugs above specified, or any preparation or admixture of the same except English and Foreign Beer, Wines and Spirits, than the quantity specified for each Article in Section V. of this Act, and not being protected by a pass or permit from the Collector, or other Officer duly empowered in that behalf, shall be liable to a fine, not exceeding five hundred Rupees, except in the case of Opium; and in the case of Opium, to a fine not exceeding the rate of sixteen Rupees for each seer found in the possession of, or carried by, such person; and if such last mentionel fine shall not amount to five hundred Rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to five hundred Rupees.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of Spirituous or Fermented Liquors, or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any Abkaree Officer above the rank of a Peon or Chauprassy may enter and inspect at any time, by day or by night, and any Abkaree Officer may enter and inspect by day the house or shop in which any licensed Dealer shall carry on the sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XVIII. Every

XVIII. Every person holding a license for the sale of Spirituous or Fermented Liquors, or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall shew the license on the demand of any Abkaree Officer, who shall desire to see the same; and any licensed Dealer, who shall refuse, or be unable to produce his license, on the demand of any Abkaree Officer, shall be liable to a fine, not exceeding two hundred Rupees.

XIX. Any Abkaree Officer may stop and detain any person carrying any Spirituous or Fermented Liquors, or intoxicating drugs, without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any Abkaree Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any Spirituous or Fermented Liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkaree Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal, as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors, or drugs, whom he shall find on the premises. Provided, that where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana,

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the Officer, charged with the execution of the warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All Constables, and other Ministerial Officers of the Peace are required to help the Abkaree Officers in the due execution of this Act upon notice given, or request made by any such Abkaree Officer: and any Officer, who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by Section XXVII. of this Act, for Abkaree Officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any Abkaree Officer, duly authorized under this Act, shall arrest any person, or shall seize any Spirituous or Fermented Liquors, or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit Articles, he shall carry the person arrested, with the illicit Articles, seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all the particulars of such arrest, seizure, or search. And the Collector, after such further enquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a Justice of the Peace for the Town of Calcutta.

XXIII. Every person, who shall maliciously give false information against any person for being engaged in the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any Spirituous or Fermented Liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail, for a period not exceeding six months, or to both.

XXIV. Every

XXIV. Every person, who shall obstruct or molest any Abkaree Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any Abkaree Officer, who shall delay carrying to the Collector any person arrested or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XXVI. Any Abkaree Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit Spirituous or Fermented Liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XXVII. Any Officer, employed in the Abkaree Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of Spirituous or Fermented Liquors, or intoxicating drugs, without license, or by any licensed Dealer, contrary to the terms of such license, or act in a manner inconsistent with his duty for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XXVIII. Any

XXVIII. Any Abkaree Officer, who shall ask or take any gratuity, not authorized by any Law or Order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing, or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XXIX. Whenever any goods or chattels shall be seized by an Abkaree Officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the Town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong, to be summoned to appear before him, and upon their appearance or default shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one Calendar month, no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the *Calcutta Gazette*, and give judgment for the confiscation of such of the goods and chattels, as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrnt for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under Section XXXVIII., shall be adjudged by any Justice of the Peace, for the Town

Town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall, forthwith, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail, for a period not exceeding six months, or until the fine is sooner paid: and no proceedings shall be taken under this Section by any Justice of the Peace after the expiration of three Calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale of Spirituous or Fermented Liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except Opium, and in the case of Opium confiscated, and declared by the Opium Examiner at the Presidency to be fit for use, a reward of One Rupee Eight Annas for each seer, shall, upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender, or seized the illicit articles; and the other half, or in the case of Opium as aforesaid, a reward of One Rupee Eight Annas for each seer shall be given

given to the Informer; and, if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may appear to them fit: and the Board of Customs, Salt and Opium may direct, by General Order, what class of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXXV. No Writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply) and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the Collector or any Abkaree Officer, or any person acting in aid of any such Officer, for any thing done in pursuance of this Act, shall be commenced.

menced within three Calendar months after the fact committed, and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the Defendant one Calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXXVIII. The Collector, in respect of the duties to be performed by him, under this Act, shall have power to punish any contempt committed in his presence in open Cutcherry by fine, not exceeding two hundred Rupees, commutable, if not paid, to imprisonment in the Common Jail, for a period not exceeding one month: provided, that an appeal, from any order passed under this section, shall lie to the Commissioner of Abkaree, and, in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XII. OF 1849.

Passed by the Hon'ble the President in Council of India in Council, on the 11*th August* 1849, *with the assent of the Most Noble the Governor General of India.*

For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II. 1827, *of the Bombay Code.*

WHEREAS the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the Island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof, It is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several Officers thereof shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any Officer in execution of any process or order of the Court, as if the Court were held in the Zillah nearest to the Island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its Officers, in execution of any process or order of the Court, shall not be liable

liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the Zillah nearest to the Island of Bombay.

III. Any Criminal Court having cognizance of any offence under Section XXXVI., Regulation II. 1827, of the Bombay Code, may issue a warrant under the hand of the Judge, or one of the Judges, and the seal of the Court, for the arrest of the person accused; and may commit him to gaol unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II. 1827, of the Bombay Code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belong at the time of committing the offence.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press by J. C. Sherriff.

ACT No. XIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 18*th of August* 1849, *with the assent of the Most Noble the Governor General of India.*

To prevent the Smuggling of Salt into Calcutta.

FOR preventing the smuggling of Salt into Calcutta, It is enacted as follows:

I. The Governor of Bengal may establish as many Chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the Town of Calcutta, and upon that part of the River Hooghly, which lies within the local Jurisdiction of the Supreme Court, and such Chokies shall be under the charge of an Officer to be styled "The Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other Officers to assist him in the discharge of his duties; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the said Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of ten seers of eighty tolahs to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rowannah, or Special pass, from the Board of Customs, Salt and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying Salt, unprotected by a Rowannah, or Charchittee, as aforesaid, in gangs, or companies, which Salt shall exceed in the whole quantity ten seers, such Salt shall be deemed contraband; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account, satisfactorily, for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry, within the said Town, or upon the River Hooghly, as aforesaid, under a Rowannah, or Charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt shall be liable to a fine of ten Rupees for every maund of Salt in excess of the quantity specified in the said document: and the excess shall be calculated

lated upon the whole despatch as provided in Section II., Regulation IV. 1832, of the Bengal Code.

VI. The provisions contained in Sections XXXVI. to XLVII., both inclusive, Regulation X. 1819, and in Regulation IV. 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of Rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages and coverings, in which such Salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession Contraband Salt shall be found, except in the case provided for by Section V. of this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

IX. The Superintendent of Salt Chokies, and any of his Subordinate Officers, and any Officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing, or carrying any Salt, without a Rowannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

X. If the Superintendent has good reason to believe, either from information given by any of his Subordinate Officers or other person, to be

be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Contraband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid, is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure he may, by warrant under his hand, empower any Officer of Salt Chokies, above the rank of a Jemadar of Peons, to make the same; and the Officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any zenana, the Superintendent or Officer authorized as aforesaid, shall follow, as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All Constables, and other Ministerial Officers of the Peace, are required to help the Superintendent and his Subordinate Officers, and other Officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such Officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding five hundred Rupees.

XII. Whenever a seizure of Salt in store, in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded

in

in an Official proceeding to be placed on record in his Office; and if the seizure shall be made by a Subordinate Officer, such Officer shall report the circumstances, within twenty-four hours, to the Superintendent.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any Salt, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail for a period, not exceeding six months, or both.

XIV. Every person, who shall obstruct or molest the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly authorized to make a seizure of Salt, or any person acting in aid of the Superintendent, or any Officer, as aforesaid, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees: and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any Officer of Salt Chokies, or any Officer of another Department, duly empowered to make a seizure of Salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XVI. Any Officer of Salt Chokies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for

for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XVII. Any Officer employed in the Salt Chokie Department, or any Officer of another Department, as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XVIII. Any Officer employed in the Department of Salt Chokies, or any Officer of another Department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all convenient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his Subordinate Officers, or other Officer duly empowered, such Officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest, or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested,

arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any Salt, or other chattels shall be seized by the Superintendent, or other duly authorized Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such Salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any Salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the *Calcutta Gazette*, and give judgment for the confiscation of such Salt and other chattels, as, upon such examination, shall appear to him confiscable; and, upon confiscation thereof shall issue his Warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties,

or

or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the Officer, or Officers Subordinate to the Superintendent, or other duly authorized Officer of another Department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may appear to them fit; and such Officers and Informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided, that the Board of Customs, Salt and Opium may direct, by General Order, what classes of Officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All

XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No Writ of *Certiorari* shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information, or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case, (with which requisition the Justice of the Peace shall be bound to comply) and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent, or other Officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before the commencement of the action; and no Plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought,

brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance, used as a seasoning for food.

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ACT No. XIV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 25th August 1849, with the assent of the Most Noble the Governor General of India.

To punish tampering with the Army or Navy.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the Forces of the East India Company, or to seduce them from their allegiance and duty, It is enacted as follows:

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the Military or Naval Forces of the East India Company, from his or their allegiance to her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said Services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation

portation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the Court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any Magistrate within the territories under the Government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by Royal Charter within the Presidency in which he is in custody.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a Court Martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a Court Martial, and punished according to the laws for the observance of discipline in the Indian Navy; but no person shall be tried for the same offence under the said Articles or Laws, and also under this Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff

ACT No. XV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th October 1849, with the assent of the Most Noble the Governor General of India.

An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, It is enacted as follows:

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1849.			
Magistrate—The above Acts how to be read in respect of the Town of Madras and the Madras Roads.	VIII.	II.		
„ Powers of a single—who is also Justice of the Peace within the Madras Presidency. (See Justices of the Peace.)				
Malacca—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Marking Convicts—the practice of—abolished.	II.	II.	.....	General.
Military Pensions exempted from seizure. (See Pensions.)				
Military or Naval Forces of the East India Company—attempt to seduce persons serving in the—or to stir up Mutiny among them how punishable...	XIV.	I.	.....	General.
„ Offenders under this Act may be committed by any Magistrate and tried by the Court of Sessions or by the Supreme Court.	„	II.		
„ Futwa not requisite in the trial of such offences.	„	III.		
„ Persons not exempted from being tried by a Court Martial under the Articles of War and Laws for the discipline of Indian Navy; but no person shall be tried for the same offence under the said Laws and also this Act.	„	IV.		
Mutiny. (See Military or Naval Forces.)				
N.				
Naval Pensions exempted from seizure. (See Pensions.)				
Navy—Tampering with the—(See Military or Naval Forces.)				
O.				
Offences cognizable under Section XXXVI., Regulation II. of 1827, of the Bombay Code. ..... (See Criminal Courts.)	XII.	III. and IV.		
Offences committed by persons of unsound mind. (See Lunatics.)				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1849.			
Offences committed in Foreign Territories by British Subjects. (See Foreign Territories.)				
P.				
Pensions—Military and Naval and Superannuation—or those of any Out-Pensioner of Chelsea or Greenwich Hospital, exempted from seizure by process of Court at the instance of a Creditor.	VI.	II.	.....	General.
„ Assignment of such—by Pensioners declared null and void.	„	III.		
„ Application of Act excepted in certain cases.....	„	IV.		
Prince of Wales' Island—Duty on Arrack or Asiatic Rum, imported into. (See Duty.)				
R.				
Regulation V. of 1809 ..... (Bengal Code.)				
„ VIII. of 1813 ..... (Bengal Code.)				
„ I. of 1822—Sec. VI. of — (Bengal Code.)				
„ IX. of 1822 ..... (Bengal Code.)				
„ VIII. of 1829 ..... (Bengal Code.)				
„ II. of 1829 ..... (Madras Code.)				
„ XII. of 1832 .... (Madras Code.)				
„ XI. of 1827—Sec. IV. of— rescinded. ..... (Bombay Code. ...)	I.	I.		
(See Foreign Territories.)				
„ IV. of 1797—Sec. XI. of— (Bengal Code.)				
„ VII. of 1803—Sec. XXXV. of— ..... (Bengal Code.)				
„ XVII. of 1817—Clauses 2nd, 3rd, and 4th, Sec. XII. of— ..... (Bengal Code.)				
„ VII. of 1802—Sec. XXXV. of— ..... (Madras Code.)				
„ II. of 1807—part of Clause 1st, Sec. III. of— ..... (Bengal Code.)				
„ XVII. of 1817—part of Secs. IX. and X. of — (Bengal Code.)				
„ VI. of 1811—part of Sec. III. of— ..... (Madras Code.)				
„ II. of 1822—part of Secs. V. and VI. of— ..... (Madras Code.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Regulation XIV. of 1827— } Bombay part of Chapter II. of— ... } Code. and all Regulations authorizing the practice of branding or publicly exposing Convicts, rescinded. ..... (See Convicts, Branding and Tusheer.)	II.	I.		
„ XII. of 1814—Bengal Code repealed.	VI.	I.		
„ II. of 1802—Section XXVI. of—Bengal Code, repealed.	XI.	I.		
„ II. of 1827—Section XXXVI. of—Bombay Code, amended.....	XII.	III., IV.		
„ X. of 1819—Section XXXVI. to XLVII. of— ..... } Bengal Code made applicable within Calcutta, and on the River Hooghly..... „ IV. of 1832—	XIII.	VI.		
„ XVIII. of 1827—Clause 1st, Section VI. of—Bombay Code, repealed. ..... (See Stamped Materials.)	XV.	I.		
Rum—Asiatic—imported into Straits Settlement. (See Duty.)				
S.				
Salt—Governor of Bengal may establish Chokies for preventing the smuggling of—into the Town of Calcutta within the local jurisdiction of the Supreme Court, and place such Chokies under a Superintendent.	XIII.	I.	.....	Calcutta.
„ The Superintendent may appoint Darogahs, and other Officers who shall be styled "Officers of Salt Chokies.".....	„	II.		
„ Import of—into the Town of Calcutta, in excess of 10 Seers and the storing thereof in quantities exceeding one Maund prohibited, except under a Pass or Charchittee.....	„	III.		
„ Found within the said Town or upon the River Hooghly in contravention of this Act shall be deemed contraband and liable to confiscation.	„	IV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1849.			
Salt—Excess of quantity more than what is covered by a Rowannah shall be deemed contraband, and if the excess exceeds a certain proportion the whole shall be liable to confiscation. Persons carrying such—how to be punished. The excess how to be calculated.	XIII.	V.		
„ Sections XXXVI. to XLVII. Regulation X. 1819 and provisions of Regulation IV. 1832—Bengal Code, regarding Rowannahs, made applicable within Calcutta and on the River Hooghly....	„	VI.		
„ Vessels, packages and coverings containing contraband—and the animals and conveyances carrying it, shall also be liable to confiscation.	„	VII.		
„ Penalty for persons in possession of contraband—	„	VIII.		
„ Superintendent of Chokies and other authorized Officers may detain persons carrying contraband—and may seize also the Salt, &c.	„	IX.		
„ Power of the Superintendent to enter into any place where contraband—may be stored and to carry away the same, and to arrest persons suspected to be concerned in the storing thereof.	„	X.		
„ Constables and other Officers of the Peace shall help the Superintendent and other authorized Officers in the execution of this Act. Penalty for Officers refusing to help.	„	XI.		
„ The facts of such seizure to be placed on record by the Superintendent. Seizures made by Subordinate Officers to be reported to the Superintendent within 24 hours.	„	XII.		
„ Penalty for persons giving false information against persons for importing or transporting or in respect of storing in contravention of this Act.	„	XIII.		
„ Penalty for persons obstructing the Superintendent or the authorized Officers in the execution of this Act, and additional penalty if an affray or breach of the peace shall happen in consequence.	„	XIV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Salt—Penalty for Officers empowered to make seizures, delaying to carry persons arrested or the illicit articles seized, to the Superintendent, or neglecting to report the particulars thereof within 24 hours.	XIII.	XV.		
„ Penalty for Officers vexatiously or unnecessarily seizing goods or persons....	„	XVI.		
„ Penalty for Officers conniving at the smuggling of—or releasing or conniving at the escape of persons arrested or evading the provisions of this Act.	„	XVII.		
„ Penalty for Officers receiving unauthorized gratuities and for persons offering a bribe.....	„	XVIII.		
„ Proceeding to be adopted by the Superintendent after the arrest of persons or seizure of contraband—The Superintendent may release persons or property, when he considers such persons or property improperly arrested or seized.	„	XIX.		
„ Seizures of—and Chattels to be heard and determined by a Justice of the Peace, and upon confiscation shall issue his warrant to the Superintendent for the disposal thereof.....	„	XX.		
„ What course to be taken for the disposal of confiscated goods when no claimant appears within one calendar month.	„	XXI.		
„ Fines to be adjudged by a Justice of the Peace, and the said Justice shall within a limited period summon the parties accused and examine into the matter. Fines shall be commutable to imprisonment in default of payment....	„	XXII.		
„ Repetition of offences how punishable.	„	XXIII.		
„ Fines levied how to be disposed of. If no fines are realized Officers and Informers how to be rewarded.	„	XXIV.		
„ Fines, the disposal of which is not provided for, shall belong to Government; but the Board of Customs, Salt				

and

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1849.			
and Opium may grant a portion thereof to informers or to injured parties.	XIII.	XXV.		
Salt—Writs of *Certiorari* shall not affect any information or judicial proceeding before any Justice of the Peace; and no judgment shall be quashed except for error.	„	XXVI.		
„ The Board may call for proceedings and direct the seizure or part thereof to be restored, and remit or mitigate the penalty of parties.	„	XXVII.		
„ Limitation of the period for the commencement of any action against the Superintendent or any other Officer, and notice thereof to be given within one month. Tender of sufficient amends before or of money after the action shall prevent the plaintiff from recovering damages.	„	XXVIII.		
„ Definition of the term Alimentary Salt.	„	XXIX.		
Sedition. (See Military or Naval Officers.)				
Singapore—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Smuggling of Salt into Calcutta. (See Salt.)				
Spirits. (See Abkaree.)				
Stamped Materials—Law respecting the use of—in the Bombay Presidency, amended by repealing Clause 1st, Section VI. Regulation XVIII. of 1827, Bombay Code.	XV.	I.		
Statutes—Part of Clause CLIX. Chapter LII. of the—passed in the 33rd year of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors within the Town of Calcutta, repealed.	XI.	I.		
Sudder Adawlut—Authority of the—to remain unimpaired notwithstanding its removal to the Island of Bombay.	XII.	I.	.....	Bombay.
„ The Acts and Orders of the—not questionable in the Supreme Court further than if the Court were held in the nearest Zillah.	„	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
T.				
Tampering with the Army or Navy. (See Military or Naval Forces.)				
Tusheer—Public exposure of Convicts by—abolished.	II.	II.	.....	General.
U.				
Union Bank of Calcutta—Legalizing an agreement entered into between the Creditors of the—and the Executive Committee of the said Bank which suspended payment in 1847, the same containing certain arrangements and conditions for an amicable adjustment of its debts according to a Schedule of Assessment.	III.	I.	.....	Calcutta.
„ Payment of the sum assessed shall be a bar to all legal proceedings taken by Creditors after executing the agreement against Shareholders who shall have paid their shares of contribution.	„	II.		
„ The agreement not to affect Creditors who shall not have executed the agreement, nor to prevent Creditors who have executed the agreement from taking legal steps against persons who shall not have paid their contributions.....	„	III.		
„ Any Writ of *Scire Facias* issued or suits commenced against any Shareholder before payment of his assessment may be prosecuted and continued afterwards if the Suitor chooses so to do....	„	IV.		
„ Schedule of Assessment to be filed within one month in the Office of the Record-keeper of the Supreme Court as an evidence of the sums assessed against persons therein named.	„	V.		
Copy of agreement annexed to the Act.				

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